

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI**

United States of America	)	
Plaintiff,	)	Case No. 4:23-CR-00251-BCW
	)	
v.	)	Hon. Counts
	)	
Brian Aalbers	)	
Defendant.	)	

**JOINT MOTION FOR CONTINUANCE**

Defendant in accordance with Rule 47, Fed. R. Crim. P., and Rule 7.1 (b) and (c) of the Local Rules of Procedure for the United States District Court for the Western District of Missouri, moves this Court, pursuant to 18 U.S.C. §3161(h)(7)(A) and (B), to consider removing this case from the Joint Accelerated Criminal Jury Trial Docket scheduled June 3, 2024.

**SUGGESTIONS IN SUPPORT OF MOTION FOR CONTINUANCE**

1. November 15, 2023 a complaint was filed in the Western District of Missouri charging defendant with the class B felony of attempted production of child pornography.
2. November 20, 2023 undersigned entered his appearance.
3. November 28, 2023 an indictment was returned by a grand jury charging defendant with both attempted production of child pornography and possession of child pornography. The attempted production of child pornography is a B felony and possession of child pornography is a C felony.
4. November 21, 2023 a preliminary hearing and detention hearing were held. It was ordered that defendant remain in custody on this matter.
5. A Joint Criminal Jury Trial Docket date was set February 12, 2024.
6. A second motion to continue was filed on January 8, 2024 followed by an order setting this matter on the June 2, 2024 trial docket.

7. Ms. Maureen Brackett, on behalf of the United States, was consulted and has no objection to this motion. Defendant was consulted, as well, and has no objection to this motion.

8. We are asking for another continuance to allow for both the production and the review of new discovery. Ms. Brackett has been exceptionally diligent about getting discovery conveyed to us in a timely fashion and keeping us apprised of new developments in that process. In essence, newly produced evidence will have to be reviewed over the next month or two.

9. This continuance request has not been filed for the purpose of unnecessary delay; rather, it was filed so that the accused may be afforded due process under the Fifth Amendment to the United States Constitution. In accordance with 18 U.S.C. §3161(h)(7)(A) and (B)(iv), it is also submitted that the above-stated reasons for a continuance outweigh the best interests of the public and the right to a speedy trial, required by 18 U.S.C. §3161(c)(1).

10. Also, under the provisions of 18 U.S.C. §3161(h)(7)(A), the period of time until the next criminal docket should be excluded in computing the period of time in which the accused should be brought to trial under the provisions of the Speedy Trial Act. *United States v. Van Someren*, 118 F.3d 1214, 1218-19 (8<sup>th</sup> Cir. 1997).

WHEREFORE, the accused respectfully requests this Honorable Court, pursuant to 18 U.S.C. §3161(h)(8)(A) and (B), continue this matter to the: **October 21, 2024 joint criminal jury trial docket.**

Respectfully,

/s/ Gregory N. Watt

Gregory N. Watt, Bar No. 60493

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**CERTIFICATE OF SERVICE:**

I certify that on this \_\_1\_\_ day of \_\_\_\_\_ May\_\_\_\_\_, 2024 a copy of the above was sent via the CM/ECF system to all interested parties.

/s/ Gregory N. Watt, Attorney for Defendant

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